

# Fostering Connections to Success and Increasing Adoptions Act

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# Background

- P.L. 110-351
- Signed into law October 7, 2008
- Amends Titles IV-B and IV-E of the Social Security Act
  - 42 U.S.C. 629 et seq.
  - 42 U.S.C. 670 et seq.

# Overview

- Subsidized relative guardianship for children who have been in foster care
- Engaging extended family
  - Matching grants to help fund programs to locate extended family members
  - Notification of extended family members

# Overview

- Youth aging out
  - Extend jurisdictional age
  - Transition plans
- Funds for training
- Educational stability
- Health care oversight

# Overview

- Sibling placements in foster care, guardianship and adoption
- Tribal programs (allows tribes to access federal funding directly rather than through state)
- Extends adoption incentives
- Tax implications of adoption from foster care

# Subsidized Guardianships--Detail

- Provides states the *option* to establish “kinship guardianship assistance” program
  - Grandparents and other relatives
  - GP/Relative must assume guardianship of the child
  - Must have cared for the child as a foster parent
  - Must commit to caring for the child permanently

# Subsidized Guardianship—Detail

- State must adopt a plan and program for subsidized relative guardianships
  - See MCL 722.871 et seq.
  - Look for amendments to bring our legislation into compliance with the federal legislation

# Subsidized Guardianship--Detail

- State and relative
  - Enter a binding kinship guardianship assistance agreement
    - How and amount of payments to be made
    - Amount and method of payment may be changed from time-to-time



# Subsidized Guardianship--Detail

- Outline other services child/relative will receive
  - Outline how relative can apply for additional services if necessary
  - State will pay non-reoccurring costs of establishing the guardianship (e.g., filing fees) up to \$2000
  - Agreement must remain in effect across jurisdictions
- Payments cannot exceed the foster care payments

# Subsidized Guardianship—Detail

- Child's eligibility
  - Child removed —voluntary or court ordered
  - Eligible for foster care payments under Title IV-E “while residing for 6 consecutive months in the home of the prospective relative guardian”
  - ***Return home*** and ***adoption*** are not viable options for the child

# Subsidized Guardianship--Detail

- Child strongly attached to relative . . . relative strongly committed to child
- If 14, child must be “consulted”
- If one child eligible for subsidized kinship guardianship, sibs are also eligible for g’ship placement with same kin provider
  - Payment made for *each* child
- If child subsequently adopted, g’ship payments do not effect adoption subsidy

# Changes to State Plan

- State's plan under Title IV-E must provide for criminal background checks including fingerprint checks of national data bases of
  - Prospective relative guardian
  - Any other adult living in the prospective guardian's home

Before payments made

# Child's Case Plan

- 42 USC 675 requires that each child have a written case plan
- If relative-g'ship is permanency plan, case plan must document
  - Steps taken to determine return home or adoption are not appropriate
  - Reasons for separations of sibs
  - Why permanent placement with relative is in child's best interests

# Child's Case Plan

- Why child meets eligibility requirements for kinship g'ship payments
- Efforts agency has made to discuss adoption with the relative and why the relative wishes to pursue guardianship rather than adoption
- Efforts made by agency to discuss guardianship with the parent or reasons why those efforts not made

# Independent Living Educational and Training Vouchers

- Kids who enter kinship guardianships after reaching age 16 are eligible for independent living services
  - Youth in transition program
  - [www.michigan.gov/dhs/0,1607,7-124-5452\\_7121-161180--,00.html](http://www.michigan.gov/dhs/0,1607,7-124-5452_7121-161180--,00.html)
- Kids who leave foster care for kinship guardianships after age 16 are eligible for educational and training vouchers

# Medicaid

- Provides that kids who exit foster care via kinship guardianship are eligible for medicaid benefits.



# Family Connection Grants

- Matching grant program (to state or local CW orgs., tribes, or non-profit orgs.)
  - Kinship navigator programs
    - Program to assist kin caregivers to obtain services needed for the children they are caring for
    - Coordinate services
    - Link care providers with service providers (e.g., training, legal services)
  - Intensive family-finding efforts
    - Use search technology to locate extended family, assist them to reestablish relationships with children, a consider permanency

# Family Connection Grants

- Family-group decision-making
  - Assists families to make decision re: children
  - Addresses DV in a safe manner and helps kids to connect to services and victim-parent
- Residential treatment programs
  - Provide for parent and children to live together for at least 6 months
  - Provides sub abuse treatment, early intervention services for children, family counseling, medical, dental, mental health, nursery, pre-school

# State Plan

- 42 USC 671 requires state plan
  - Must provide that W/I 30 days of child's removal, DHS must “exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child”
    - Legal notice?

# State Plan

— Notice must explain—

- That the child has been removed
- Relatives' options to participate in care and placement
- Requirements for becoming licensed
- State's kinship guardianship program

# Extend Time in Foster Care

- Permits states to choose to keep you in foster care/provide adoption or kinship assistance until age 21 so long as youth
  - Is completing high school
  - Enrolled in college or vocational school
  - Participating in employment-related program
  - Employed for at least 80 hrs./month
  - Incapable due to incapacity of doing one of these

# Transition Plan for Youth Aging Out

- Requires State agency to develop WITH THE YOUTH a transition plan
  - 90 days before date on which youth will age out of system
  - Plan must be “personalized at the direction of the child”
  - Must be specific as to—housing, health insurance, education, mentors, continuing support services, employment services

# Funds for Training

- Provides funding to support training of court personnel, lawyers for each party, and CASAs to provide support for children living with relative guardians

# Educational Stability

- Requires individual child's case plan to include
  - An assurance that the child's placement in FC takes into consideration the appropriateness of the educational placement and the proximity of the school in which the child is enrolled
  - Requires that State agency coordinates with educational authorities to maintain child's school placement if doing so is in child's best interests



# Educational Stability

- If remaining in school not in child's B-I, then agency and educ. Agencies must provide for "immediate and appropriate enrollment in a new school"
- Permits the agency to expend money for transportation services to ensure that the child remains in the same school

# Health Oversight

- State must develop a plan to ensure that children in foster care are receiving needed health care services
  - Including dental and mental health care
  - Initial and follow-up health screening
  - Continuity of health care
  - Oversight of prescription medications

# Sibling Placement

- State plan must
  - Provide for reasonable efforts to be made to place siblings together unless State documents reason placement together is contrary to the welfare of one of the kids
  - If placement is not together, must make reasonable efforts to ensure “frequent visitation or ongoing interaction” between sibs unless contrary to welfare of one of the children

# Adoption Incentives

- Extends the program of adoption incentive payments paid by the federal government to the states
- Increases the amount of adoption incentive payments aimed at incentivizing the adoption of children out of the foster care system, particularly older youth.